

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

X

UNITED STATES OF AMERICA, : Hon. Katherine S. Hayden
Plaintiff, : Crim. No. 08-009 (KSH)
v. :
MICHELLE DAVIS, : ORDER REGARDING
Defendant. : RULE 29 MOTION
:

X

THIS MATTER having been brought before the Court on the Motion For Judgment Of Acquittal, pursuant to Rule 29 of the Federal Rules of Criminal Procedure, by Defendant MICHELLE DAVIS (Henry E. Klingeman, Esq., appearing); the UNITED STATES OF AMERICA (AUSA Robert Frazer, appearing) having objected to the Motion as being untimely and having opposed the Motion on the merits; the Court having considered the written submissions and arguments of counsel for the parties, as well as the record of the case; and for good cause shown,

IT IS THE FINDING OF THE COURT THAT:

- (1) Defendant's Rule 29 motion was timely made both before the case was submitted to the jury and after the verdict, as required by Rule 29;

(2) the Court properly reserved decision on the Motion in anticipation of receiving written briefs and conducting oral argument within a reasonable time after the verdict, as permitted by Rule 29;

(3) upon viewing the evidence in the light most favorable to the Government, no judgment of acquittal shall be entered as to Counts One, Two, Three, and Four; and

(4) upon viewing the evidence in the light most favorable to the Government, a judgment of acquittal shall be entered as to Count Five.

WHEREFORE, on this 18th day of May, 2009,

IT IS ORDERED that the Government's timeliness objection to the Rule 29 Motion is DENIED;

IT IS FURTHER ORDERED that the Rule 29 Motion is DENIED as to Counts One, Two, Three, and Four; and

IT IS FURTHER ORDERED that the Rule 29 Motion is GRANTED as to Count Five.



HONORABLE KATHARINE S. HAYDEN
United States District Judge